

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, SEPTEMBER 22, 2003 AT 2:00 P.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, SEPTEMBER 22, 2003 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to Ordinance O-18939 adopted on September 24, 2001.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

SPECIAL ORDERS OF BUSINESS

ITEM-30: WD-40 Company 50th Anniversary Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-282)

Joining WD-40 Company in celebrating its 50th anniversary and recognizing WD-Company for its remarkable role in our community;

Proclaiming September 23, 2003, to be "WD-40 Company 50th Anniversary Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-31: La Jolla Art Association 85th Anniversary Week.

(District-1.)

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-283)

Proclaiming the week of September 22, 2003, through September 29, 2003, to be "La Jolla Art Association 85th Anniversary Week" in the City of San Diego;

Encouraging everyone to attend the 83rd Annual Members' Show from September 22, 2003, through October 5, 2003, at the Association's gallery located at 7917 Girard Avenue, La Jolla, California.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Dr. Richard O. Butcher Day.

(District-4.)

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-204)

Commending Dr. Richard O. Butcher in providing free prostate cancer screenings and medical care to African American males and other males of color in the Fourth Council District and the City of San Diego;

Proclaiming September 22, 2003, "Dr. Richard O. Butcher Day" in the City of San Diego in recognition of his dedicated service to the Fourth Council District and the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-33: National Stop on Red Week.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-323)

Proclaiming the week of August 30 through September 5, 2003 as “National Stop on Red Week” in the City of San Diego, in recognition of efforts to educate citizens about the dangers of red light running, and to stop red light running in the City of San Diego to reduce injuries and deaths resulting from red light running accidents.

SPECIAL ORDERS OF BUSINESS

ITEM-34: Robert A. Epler Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-182)

Recognizing the significance of Robert A. Epler and celebrating his accomplishments;

Proclaiming September 23, 2003 to be “Robert A. Epler Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-35: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meeting of:

9/2/2003

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

Item 50.

ORDINANCES TO BE INTRODUCED:

Items 51 and 52.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, and 108.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

* ITEM-50: Utility Trenches in City Streets.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/9/2003 (Council voted 8-0.
Councilmember Madaffer not present.):

(O-2003-128)

Amending Chapter 6, Article 2, by adding Division 12, titled "Excavation Fees,"
Sections 62.1201, 62.1202, 62.1203, 62.1204, 62.1205, 62.1206, 62.1207,
62.1208, and 62.1209, all relating to Payment of Excavation Fees.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

* ITEM-51: Establishing a 100-Foot Driveway Parking Permit Zone for Firehouse Museum,
West Side on Columbia Street.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-19)

Introduction of an Ordinance establishing a 100-foot driveway parking permit zone
for the Firehouse Museum located at 1542 Columbia Street;

Authorizing the installation of the necessary signs and markings to be made on said street, and the regulations herein above imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a 100-foot Driveway Parking Permit Zone, in accordance with CVC 22507.2, for Firehouse Museum located at 1542 Columbia Street, west side on Columbia Street. After adopting this ordinance, the City will issue five (5) permits to the Firehouse Museum to serve volunteers at this location. These permits shall be affixed on all vehicles parked at the driveways of the Firehouse Museum. This action will allow vehicles to park in an area where currently no vehicle parking is permitted. There are no adverse parking impacts to other residents and properties adjacent to the Museum. The Little Italy Association of San Diego is in favor of this action. Staff recommends approval of this action.

FISCAL IMPACT:

Fiscal impact is minimal. Funds for the installation of signs/decals are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Belock/VW

**ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:**

- * ITEM-52: Exempting a Program Manager Position from the Classified Service for City Attorney's Office.

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-31)

Introduction of an Ordinance exempting the position of Program Manager from the classified service and declaring it to be in the unclassified service of the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-100: General Requirements Contract for the Construction of Minor Storm Drain Improvements at Various Locations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1403)

Authorizing the City Manager to accept the bid from KTA Construction Inc. (Contractor), and to award the Project Contract for the construction of minor storm drain improvements at various locations to the Contractor for no less than \$50,000 and no more than \$1,000,000 annually, for the period between May 1, 2003 and May 1, 2004, renewable for one additional year thereafter;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$50,000 from TransNet Funds, through CIP-17-001.0, 54th Street Storm Drain, solely and exclusively for the purpose of the above Contract, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon direction of the City Manager, to reallocate the funding sources for TransNet Funds between TransNet Cash and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet Cash and reduce the use of Commercial Paper for funding CIP-17-001.0, 54th Street Storm Drain.

CITY MANAGER SUPPORTING INFORMATION:

Minor storm drain improvement projects can take two to three years from inception to completion when following the design-bid-build method for public works contracts. Many of the smaller storm drain maintenance, and repair and improvement projects in the right-of-way are disadvantaged by the process that is suited for complex construction projects.

The General Requirements Construction Contract will reduce the time between when a smaller project is identified and when it is completed. The contractor bids unit prices on various items of work which are non-project specific. These prices remain in effect for the one year term of the contract. After a project is identified, a site visit is scheduled where scope, specifics, and price are discussed by the City and contractor. Once there is agreement, the City processes a Task Authorization, and issues a Notice to Proceed to the contractor. We estimate a typical storm drain repair can be constructed within four months from the initial site visit.

The City opened bids on February 26, 2003. The bid proposal consisted of 42 separate items of work; with 3 bids for each item depending on whether labor rates were Federal prevailing wage, State of California prevailing wage, or non prevailing wage. The project was advertised for four weeks. 11 bid packages went out and 3 complete and acceptable bid packages were received at bid opening. KTA Construction, Inc. was the low bidder followed by BRH-Garver, Inc. and Scheidel Contracting & Engineering, Inc.

FISCAL IMPACT:

Total authorized expenditure per contract year, contingent on Council approving appropriations, not exceed \$1,000,000.

Loveland/Belock/PB

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-101: Sewer and Drainage Easement Set Aside in Lot 123 of Carmel Valley
Neighborhood 4, Unit No. 10, Map No. 12537 and Lot 106 of Carmel Valley
Neighborhood 4, Unit No. 8, Map No. 12605.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-281)

Accepting a sewer and drainage easements set asides in City-owned land in Lot
123 of Carmel Valley Neighborhood 4, Unit No. 10, Map No. 12537 and Lot 106
of Carmel Valley Neighborhood 4, Unit No. 8, Map No. 12605.

CITY MANAGER SUPPORTING INFORMATION:

The requested action is the final step needed to complete the Carmel Valley Neighborhood 4, Unit
No. 10, Map No. 12537 and Carmel Valley Neighborhood 4, Unit No. 8, Map No. 12605
subdivisions, located between the termini of Jordan Ridge Court and Perlatti Point northeasterly
of I-5 and SR 56 in the Carmel Valley community planning area. The approved Carmel Valley
Neighborhood 4 Unit No. 10 and Carmel Valley Neighborhood 4, Unit No. 8 developments and
public improvement plans for both require the sewer and drainage easements, as shown on
Engineering Drawing numbers 24875-D and 24832-D, located within City owned land. City
Council approval is required to encumber city property.

Staff recommends approval of this action.

FISCAL IMPACT:

None.

Ewell/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-102: Adams Avenue Sub-District #5 Maintenance Assessment
District Formation.

(Greater North Park and Mid-City Community Plan Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-251)

Resolution initiating proceedings for the formation of the Adams Avenue Maintenance Assessment District Sub-District #5 Annexation.

Subitem-B: (R-2004-252)

Resolution of the Council of the City of San Diego preliminary approving the Assessment Engineer's Report submitted in connection with the Adams Avenue Maintenance Assessment District Sub-District #5 Annexation.

Subitem-C: (R-2004-253)

Resolution of Intention to levy and collect Fiscal Year 2004 Annual Assessment on Adams Avenue Maintenance Assessment District Sub-District #5.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes Adams Avenue Sub-District #5 Maintenance Assessment District (District) and authorizes the Fiscal Year 2004 assessment. The District is located in the Greater North Park and Mid-City Community Planning Areas, and proposed Sub-District #5 generally includes the parcels along Adams Avenue (from Texas Street to the mid-block east of Kansas Street, and from Interstate 805 to 33rd Street) and 30th Street (from Adams Avenue to Monroe Avenue).

The purpose of the District is to fund the maintenance and electrical costs of ornamental light poles and fixtures and maintenance and irrigation of trees through the assessment of the property owners. Lighting and tree improvements will be located in public rights-of-way and dedicated easements within the boundaries of the District. All costs beyond the City standard for street lighting are considered to be Special Benefit; these costs would be assessed to the proposed District.

The Fiscal Year 2004 proposed maintenance costs for Adams Avenue Sub-District #5 are as follows:

<u>DESCRIPTION</u>	<u>FY 2004</u>
BEGINNING BALANCE (Reserve)	\$ 0
REVENUE:	
Assessments	\$ 18,353
Interest	<u>300</u>
TOTAL REVENUE	\$ 18,653
EXPENSE:	
Personnel	\$ 0
Contractual	8,279
Incidental	2,877
Utilities	<u>5,697</u>
TOTAL EXPENSE	\$ 16,853

ENDING BALANCE (Reserve) \$ 1,800

Proposed annual assessments have been calculated by an independent assessment engineer for the parcels within Sub-District #5 based on each parcel's linear front footage (LFF.) For benefit apportionment purposes, Sub-District #5 has been divided into the four zones.

The zone locations and unit assessment rates are as follows:

Zone A - Adams Avenue from Texas Street to the mid-block east of Kansas Street; \$3.96 per LFF

Zone B - 30th Street from Adams Avenue to Madison Avenue: \$0.94 per LFF

Zone C - 30th Street from Madison Avenue to Monroe Avenue: \$0.78 per LFF

Zone D - Adams Avenue from Interstate 805 to 33rd Street: \$2.17 per LFF

FISCAL IMPACT:

All costs are assessed to the property owners within the District. No parcels located within this proposed district are owned by the City of San Diego or related City entities. The streetlights proposed for this district are special benefit and would be paid from the District. The proposed Fiscal Year 2004 and maximum authorized assessments are permitted to increase annually at a rate equivalent to the San Diego Consumer Price Index - Urban (SDCPI-U).

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: Agreement with Adams Avenue Business Association for Administration of Maintenance Services for Adams Avenue Maintenance Assessment District.

(Mid-City and Greater North Park Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-216)

Authorizing the City Manager to execute an agreement with Adams Avenue Business Association for the administration of Contracts for Goods and Contracts for Services for the Adams Avenue Maintenance Assessment District for a period of one year;

Authorizing the expenditure of an amount not to exceed \$3,000 from Fund 70247 for the purpose of providing funds for the administration services with Adams Avenue Business Association beginning 7/1/2003 and ending 6/30/2004.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212

paragraph (b)(2), authorizes the City Council to approve a one-year agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On 5/31/1994, the property owners in the "Adams Avenue Maintenance Assessment District (District) requested their contracts to be administered by the "Adams Avenue Business Association" (Association). The Association has managed the contracts satisfactorily since the District was formed, and wishes to continue in the 7/1/2003, to 6/30/2004 period.

This action will authorize the City Manager to sign and continue the Agreement between the City and the Association for a period of one year beginning on 7/1/2003, and ending on 6/30/2004.

1. The Association will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the Adams Avenue Maintenance Assessment District.
2. The Association will perform all duties as set forth in the Agreement under Article I, section B, referred to as Specific Requirements. The Association will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.

FISCAL IMPACT:

Funds are available in the Adams Avenue Maintenance Assessment District (Fund 70247) to reimburse the Association for maintenance services and to compensate it for administration.

Herring/Oppenheim/AWF

Aud. Cert. 2400214.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-104: Agreement with Ocean Beach MainStreet Association for Administration of Maintenance Services for Newport Avenue Maintenance Assessment District.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-217)

Authorizing the City Manager to execute an agreement with Ocean Beach MainStreet Association, for the administration of Contracts for Goods and

Contracts for Services for the Newport Avenue Maintenance Assessment District for a period of one year in accordance with San Diego Municipal Code Section 65.0212;

Authorizing the expenditure of an amount not to exceed \$3,000 from Fund 70241, for the purpose of providing funds for the administration services with Ocean Beach MainStreet Association, beginning July 1, 2003 and ending June 30, 2004.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one-year agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On December 11, 1999, the property owners in the "Newport Avenue Maintenance Assessment District (District) requested their contracts to be administered by the "Ocean Beach MainStreet Association" (Association). The Association has managed the contracts satisfactorily since the District was formed, and wishes to continue in the July 1, 2003, to June 30, 2004 period.

This action will authorize the City Manager to sign and continue the Agreement between the City and the Association for a period of one year beginning on July 1, 2003, and ending on June 30, 2004.

1. The Association will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the Newport Avenue Maintenance Assessment District.
2. The Association will perform all duties as set forth in the Agreement under Article I, section B, referred to as Specific Requirements. The Association will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.

FISCAL IMPACT:

Funds are available in the Newport Avenue Maintenance Assessment District (Fund 70241) to reimburse the Association for maintenance services.

Herring/Oppenheim/AWF

Aud. Cert. 2400215.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-105: Establishment of a Two-Hour Unmetered Parking Zone on Via De La Valle.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-254)

Establishing a two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Via De La Valle between I-5 northbound off-ramp and San Andres Drive;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes two-hour parking between 8:00 a.m. to 6:00 p.m., Sundays and certain holidays excepted, on the south side of Via De La Valle between I-5 northbound off-ramp and San Andres Drive. This action is in accordance with Municipal Code Section 86.04 and Council Policy 200-04, Installation or Removal of Time Limit Parking Zones and Parking Meter Zones.

The land use adjacent to this segment of Via De La Valle is commercial (strip mall) and would benefit from an increased turnover in parking. Staff has conducted a parking duration study, which revealed a high level of occupancy and a low turnover, thus satisfying the minimum requirements for time limit parking.

The owner of this property submitted a petition in support of time limit parking on the south side of Via De La Valle between I-5 northbound off-ramp and San Andres Drive. In addition, the Carmel Valley Community Planning Board is in support of this action.

FISCAL IMPACT:

Fiscal impact is minimal. Funds for the installation of signs are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Belock/VW

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-106: Reappointments to the Housing Advisory and Appeals Board.

(See memorandum from Mayor Murphy dated September 11, 2003, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-315)

Council confirmation of the following reappointments by the Mayor, to serve as members of the Housing Advisory and Appeals Board for terms as indicated:

Reappointments:

Gina Champion-Cain

Dorothy James

Richard H. Miller, Jr.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-107: Asian Pacific Islander Community AIDS Project 10th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-313)

Recognizing the 10th anniversary of the Asian Pacific Islander Community AIDS Project (APICAP), and commending them for their outstanding health care advocacy, referral, and support services to those living with HIV/AIDS in the Asian Pacific Islander communities, and for their outreach to educate the community at large to issues unique to those in these communities living with HIV/AIDS;

Proclaiming September 20, 2003 to be "Asian Pacific Islander Community AIDS Project (APICAP) 10th Anniversary Day" in the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-108: Code Enforcement Week.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-291)

Recognizing the accomplishments and proactive involvement of all code enforcement personnel, volunteers, and community groups;

Proclaiming the week of September 22 through September 26, 2003 to be "Code Enforcement Week" in San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTION:

ITEM-200: Two actions related to Inviting Bids and Award of Contract for the College Rolando Branch Library and the Second Amendment of the Consultant Agreement.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-289)

Approving the plans and specifications for the construction of the College Rolando Branch Library (Project) on Work Order No. 350710;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$3.67 million, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute a Second Amendment to Agreement with McGraw/Baldwin Architects for professional services required for the construction of the Project;

Authorizing the expenditure of an amount not to exceed \$118,000 from CIP-350710, Fund 18539, Dept. No. 4272, Org. No. 7210, College Rolando Branch Library, for the purpose of providing funds for the Second Amendment;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$382,000 from Community Development Block Grant Fund 18539, Dept. No. 4272, Org. No. 7210, College Rolando Branch Library, to CIP-350710, College Rolando Branch Library;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,100,000 from HUD 108 Loan to CIP-350710, College Rolando Branch Library, for the Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03579)

Subitem-B: (R-2004-290)

Certifying that MND/FONSI, LDR No. 42-0469, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended; the National Environmental Policy Act; and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the Project;

Approving MND/FONSI;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The existing College/Rolando Library located at 4710 College Avenue was opened in 1955 and currently serves the College/Rolando neighborhood. It is inadequate by today's standards for neighborhood libraries. Since 1996, \$954,984 of CDBG funding has been allocated for this project. These funds have been used to purchase a site at Montezuma and El Cajon Boulevard; the remaining CDBG funds were used for the original design and working drawings.

When completed, the library will have almost 15,000 square feet of space and will include an expanded children's area, enhanced study and reading space, a community meeting room, up-to-date computer facilities and significantly increased shelving and parking.

The City entered into an Agreement with McGraw/Baldwin Architects on January 13, 2000 (Doc. No. C-09830) for the schematic design and environmental review of the College/ Rolando Library, and on December 20, 2002 (Doc. No. R-297408) a First Amendment to the Agreement with McGraw/Baldwin Architects that provided the necessary professional services to complete the required construction drawings and specifications. The scope of work for the second amendment includes preparation of construction drawings and specifications for the new library, an acoustical study, implementations of the City's Green Building Policy 900-14, modification to public right-of-way for accessibility to the site, and Storm Water Pollution Prevention (SWPP) reporting.

FISCAL IMPACT:

The compensation for architectural services authorized by the original agreement was \$244,000 and the First Amendment authorized an additional compensation of \$390,000 (\$377,500 for

design services and \$12,500 for additional services), increasing the total compensation to \$634,000. This Second Amendment will authorize an additional compensation of \$118,000 to cover the additional scope of work as indicated, and to cover any future authorized additional services. Funds for this purpose (\$118,000) are available in FY 2004, CDBG Fund No. 18539, Dept. No. 4272, Org. No. 7210, College/Rolando Library, and the remaining \$382,000 is also available in CDBG Fund No. 18539, Dept. No. 4272, Org. No. 7210, for a total of \$500,000. The CDBG fund (18539) had been approved by Council on May 20, 2003 as R-297977 is also available for the construction of the Library. An amount of \$3.1 million had been approved as a HUD 108 Loan for the construction of the College/Rolando Branch Library.

Loveland/Belock/AO

Aud. Cert. 2400264.

ADOPTION AGENDA, DISCUSSION, HEARINGS
SPECIAL HEARINGS:

ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: An area consisting of approximately 172-acres land and 17.9-acres water of Mission Bay Park (Portions of APN 435-480-15)

City Negotiator: Real Estate Assets Director

Negotiating Party: Sea World, Inc.

Under Negotiation: Seeking direction on the Sea World Lease, percentage rent, and annual minimum rent adjustment

Prior to Council discussion in Closed Session, and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on September 23, 2003.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

ADOPTION AGENDA, DISCUSSION, HEARINGS
SPECIAL HEARINGS:

ITEM-202: In the matter of the Sea World Lease - Rental Rate Adjustment Report.

(See City Manager Report CMR-03-188.)

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

ITEM-203: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

Agency Negotiators: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert J. Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session, and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Pending Final Map Approval - Chalcedony Row Homes.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Chalcedony Row Homes" (T.M. No. 41-0526), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located southwesterly of Mission

Boulevard and Chalcedony Street in the Pacific Beach Community Plan Area in Council District 2. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval - Del Norte Cottages.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Del Norte Cottages" (T.M. 95-0173), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Rancho Bernardo Community Plan Area, southwesterly of Black Mountain Road and Lone Quail road in Council District 5. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the

date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Notice of Pending Final Map Approval - Black Mountain Ranch Unit No. 4A.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Black Mountain Ranch Unit No. 4A," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Rancho Peñasquitos Community Plan Area, northeasterly of Black Mountain Road and SR-56 in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: Notice of Pending Final Map Approval - Black Mountain Ranch Unit 16.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Black Mountain Ranch Unit No. 16" (T.M. No. 95-0173), a copy of which is available for public

viewing at the Office of the San Diego City Clerk. Said project is located in the Rancho Peñasquitos Community Plan Area, northwesterly of Black Mountain Road and SR-56 in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: Settlement of the Property Damage Claim of Gilbert and Patricia Rios.

(R-2004-237)

Adopted as Resolution R-298349.

A Resolution approved by the City Council in Closed Session on Tuesday, September 2, 2003, by the following vote: Peters-not present; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$93,059.97 in complete settlement of each and every claim against the City, its agents and employees, resulting from the property claim of Gilbert and Patricia Rios on September 23, 2002 (Claim File No. LP03-7773-0749).

Authorizing the City Auditor and Comptroller to issue two settlement checks in the amount of \$3,250 made payable to Gilbert and Patricia Rios and \$69,327.07 made payable to Luth & Turley, Inc.

Aud. Cert. 2400204.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-255: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the Tuesday, March 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/26/2003	158	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	10/1/2003	153	Rules Committee review
Monday	10/27/2003	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/03/2003	120	Council adopts propositions for ballot & directs City Attorney to prepare ordinances
Monday	through 11/17/2003	to 106	
Monday	11/24/2003	99	Council adopts ordinances prepared by City Attorney
Friday	12/05/2003	88	Last day for City Clerk to file w i t h Registrar of Voters <u>all</u> elections material
Thursday	12/18/2003	75	Last day to file ballot arguments with City Clerk.

If you have any questions, please contact the Office of the City Clerk, 533-4025.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT